# ANNUAL REPORT
## 1989 · 1990

# Ministry of Attorney General

Province of
British Columbia

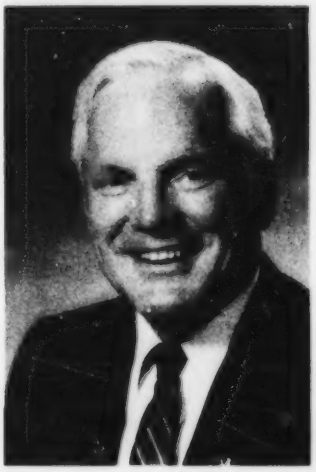
91-05219/

The Honourable David C. Lam
Lieutenant Governor
Province of British Columbia

May It Please Your Honour:

It is my pleasure to submit to you the annual report of the Ministry of Attorney General of the Province of British Columbia for the period April 1, 1989 to March 31, 1990.

The Honourable Russell G. Fraser
Attorney General



The Honourable Russell G. Fraser
Attorney General
Province of British Columbia

Sir:

I have the honour to submit the annual report of the Ministry of Attorney General for the fiscal year beginning April 1, 1989 and ending March 31, 1990.

This past year has been an important one for the justice system of British Columbia. In May 1989, the government published its response to the Justice Reform Committee's *Access to Justice* report. This response, outlining the Ministry's policy direction for the years to come, signalled the beginning of initiatives intended to make our justice system more accessible, understandable, relevant and efficient.

Through the development of a new *Small Claims Act* and Rules, expanded use of court Masters and the merger of the Supreme and County Courts, I believe we are well on the way to achieving these goals.

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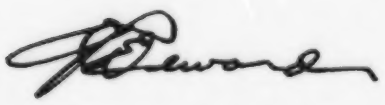
Through a major plain language initiative and the creation of a Plain Language Institute, we are now making our commonly used laws, rules and forms more understandable to all British Columbians.

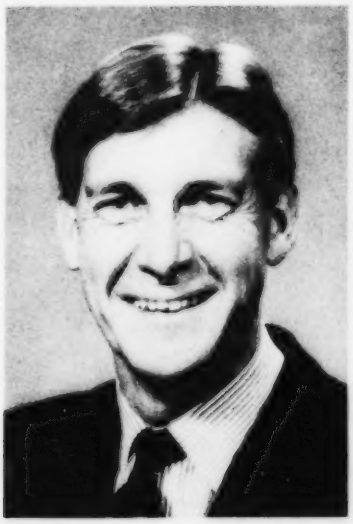
Through a two-year Disclosure Court pilot project, we are working to streamline the criminal court process to reduce costs and inconvenience to witnesses; through the design and development of a new Family Court Model and amendments to legislation, we are in the process of simplifying Family Law.

And through a number of projects designed specifically for those with spec[illegible]eeds — such as providing for new handicapped access at all courthouses and establishing an inter-ministry Steering Committee on Native Justice Issues — we have substantially increased social and cultural justice in this province.

Our responses to the Report of the Justice Reform Committee mark the most comprehensive improvements to the justice system ever undertaken. I am proud of what we have accomplished so far and look forward to even greater accomplishments in the future.



E. Robert A. Edwards
Deputy Attorney General
March, 1991



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# Introduction

| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | $204,856,793 | 2,009 |
| 1989/90 | $226,346,263 | 2,075 |

## The Attorney General

The Attorney General of British Columbia is the chief law officer for the province, the official legal advisor to the Lieutenant Governor and the member of Cabinet responsible for legal affairs.

## Constitutional Responsibilities

In Canada, constitutional responsibility for the justice system is shared by the federal and provincial governments.

The federal government legislates criminal law and procedures and the laws relating to divorce, immigration, admiralty matters, bankruptcy and interprovincial trade and commerce. It is also responsible for prosecuting drug offences and for appointing Superior Court judges.

Provincial governments are responsible for the administration of justice, including the operation of all courts, the prosecution of Criminal Code offences and the appointment of Provincial Court judges. The provinces are also responsible for civil law and family law matters other than divorce.

## Ministry Organization and Services

The Ministry of Attorney General consists of four main branches, each reporting to an Assistant Deputy Attorney General or Assistant Deputy Minister.

- The **Legal Services Branch** provides legal advice to all government ministries and agencies, conducts all lawsuits for or against the government, drafts government contracts and prepares statutes, regulations and orders-in-council.
- The **Criminal Justice Branch** prosecutes offences under the *Criminal Code of Canada*, the *Young Offenders Act*, provincial statutes and certain municipal bylaws in British Columbia's Provincial and Supreme and Appeal courts, as well as in the Supreme Court of Canada.

- The **Court Services Branch** provides court administration, sheriff, transcript and judicial support services to all courts in British Columbia.
- The **Management Services and Justice Support Programs Branch** provides policy, financial, personnel, communications, systems and facilities services to all branches of the ministry, and administers grants and contracts for the Family Maintenance Enforcement Program and a number of community-based justice support programs. The branch also protects the legal and financial rights of the mentally incapable, minors, deceased and missing persons through the Office of the Public Trustee, and registers land ownership through the Land Title Branch.

An Executive Committee, chaired by the Deputy Attorney General, includes all Assistant Deputy Attorneys General and Assistant Deputy Ministers and reports to the Attorney General.

## This Report

In 1989/90, the ministry worked to make B.C.'s justice system truly accessible, fair and responsive to the people of this province.

This report contains a special section detailing the ministry's progress over the past year on a number of projects initiated in response to *Access to Justice*, the report of the Justice Reform Committee published in November 1988.

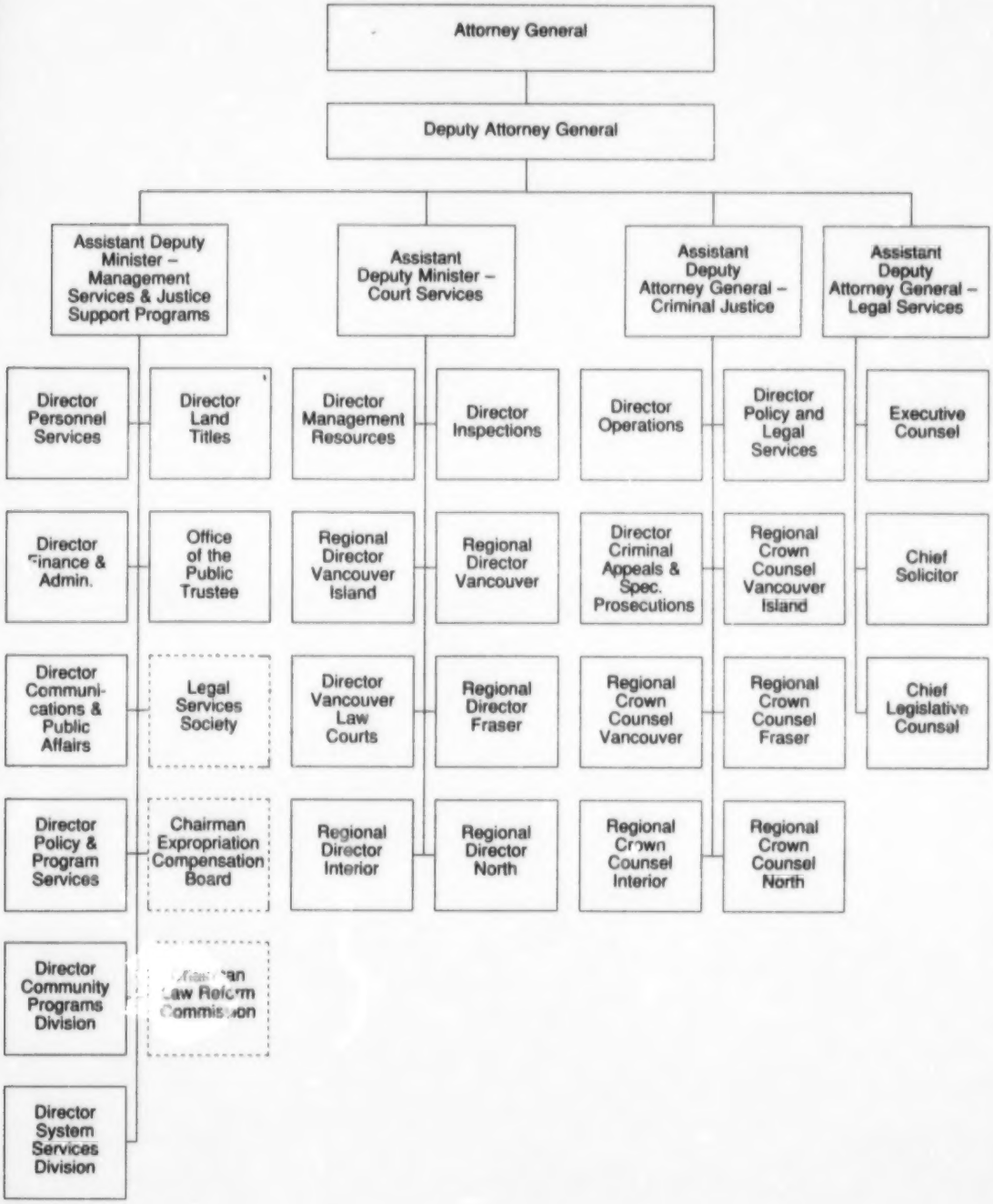
The Justice Reform Initiative has affected every branch of the ministry. Implementation of justice reform projects has required the active involvement and personal commitment of all ministry personnel, individual lawyers, university law faculties, the Law Society, the Law Foundation, the Canadian Bar Association and a number of other provincial government ministries, including the Ministry of Solicitor General, the Ministry of Native Affairs and the Ministry of Social Services and Housing.

The chapter on justice reform outlines the background to the Justice Reform Initiative and explains each project under seven broad categories:

- Increasing Access to Justice;
- Creating an Understandable Justice System;
- Enhancing Prosecution and Enforcement Efforts;
- Simplifying Family Law;
- Helping People With Special Needs;
- Applying Information Technology; and
- Revising Fees and Costs/Improving Case Management.

Chapters on the individual branches of the ministry describe their particular involvement in implementing specific reforms, outlines other activities for the year, and details plans for 1990/91.

# Organization Chart


Attorney General
Deputy Attorney General
Assistant Deputy Minister – Management Services & Justice Support Programs
Assistant Deputy Minister – Court Services
Assistant Deputy Attorney General – Criminal Justice
Assistant Deputy Attorney General – Legal Services
Director Personnel Services
Director Land Titles
Director Finance & Admin.
Office of the Public Trustee
Director Communi-cations & Public Affairs
Legal Services Society
Director Policy & Program Services
Chairman Expropriation Compensation Board
Director Community Programs Division
Director System Services Division
Director Management Resources
Director Inspections
Regional Director Vancouver Island
Regional Director Vancouver
Director Vancouver Law Courts
Regional Director Fraser
Regional Director Interior
Regional Director North
Director Operations
Director Policy and Legal Services
Director Criminal Appeals & Spec. Prosecutions
Regional Crown Counsel Vancouver Island
Regional Crown Counsel Vancouver
Regional Crown Counsel Fraser
Regional Crown Counsel Interior
Regional Crown Counsel North
Executive Counsel
Chief Solicitor
Chief Legislative Counsel

# The Justice Reform Initiative: A Report on Our Progress

The Justice Reform Committee was appointed by the provincial government in November 1987 and presented its report to the Attorney General in November 1988. This report, entitled *Access to Justice*, makes 182 recommendations for changes to the justice system of British Columbia to make it more accessible, understandable, relevant and efficient.

In December 1988 the Attorney General embarked on an extensive, two-month tour of the province to discuss the Justice Reform Committee's recommendations with members of the legal community and the general public.

In January 1989, the Attorney General established an advisory committee, comprised of judges from the Provincial, County and Supreme Courts and lawyers from all regions of the province, to suggest the most efficient and effective ways to implement the recommended legal and procedural reforms.

On May 9, 1989, the Attorney General announced the government's response to the *Access to Justice* report and outlined the ministry's long-term policy direction for implementing comprehensive justice reforms smoothly and efficiently.

Progress to date has been remarkable.

## Increasing Access to the Courts

In recent years the volume and complexity of criminal and civil cases has increased dramatically, resulting in delays, rising costs, and, for many, limited access to the court system.

To alleviate the pressure on the court system and to increase access to the courts, the ministry recorded a number of significant advances in 1989/90, including:

- hiring and training ten Masters (lawyers appointed by the province) to perform pre-trial work normally handled by Superior Court judges, leaving the judges more time to hear actual trials;

- drafting legislation to merge the Supreme and County Courts (merger to take place July 1, 1990), providing resident Supreme Court justices in every region of the province with the authority to hear any kind of civil or criminal case;
- preparing a new *Small Claims Act* to raise the jurisdiction in Small Claims Court from $3,000 to $10,000, and drafting new plain language Small Claims Court rules, brochures and forms to simplify Small Claims procedures and allow more people to pursue claims on their own, without a lawyer;
- developing an Economical Litigation Program, with simplified plain language rules, brochures and forms, to allow people with claims between $10,000 and $25,000 to represent themselves in court or to reduce their costs if represented by a lawyer;
- establishing pilot projects in Surrey and Victoria to test the effectiveness of expanding Small Claims and Family Court hours to include evening and weekend court sittings; and
- evaluating methods for alternate dispute resolution, techniques to settle civil disputes without a court trial.

## Creating an Understandable Justice System

The government's response to the *Access to Justice* report states: "The justice system belongs to the people and its purpose is to serve them." In order to serve them well, the system must be both understood and understandable.

In 1989/90, the ministry has:

- created the Law Courts Education Society to emphasize services to Natives, multi-cultural groups and remote communities, in Kamloops and Prince George, and initiated planning for further expansion to Surrey and Victoria in subsequent years;
- started to produce a video, user guide and brochure to familiarize witnesses with court procedures;
- reviewed the delivery of public legal education programs to identify gaps in service and propose improvements;

- in 1989/90, established a Plain Language Institute to provide leadership for both government and the private sector in the use of plain, understandable language;
- introduced simplified, one-page plain language conveyancing forms for the transfer of land; and
- drafted new, plain language forms, brochures and documents for the Small Claims initiatives.

## Enhancing Prosecution and Enforcement Efforts

Criminal cases are becoming more complex and difficult to prosecute. The *Charter of Rights and Freedoms*, federal legislation and an emphasis on the rights of accused, victims and witnesses are placing new demands on prosecutors. Increased reporting of sexual abuse and increases in commercial and organized crime and youth gangs require specialized services.

*Access to Justice* recognizes that the criminal justice system must have substantial resources to provide adequate services to victims and witnesses; to increase the effectiveness of prosecutions, and to increase the efficiency of criminal court procedures.

The report also recognizes that the enforcement of provincial and municipal laws must be both consistent and meaningful — that the sanctions, usually fines, applied to those breaking the law are uniformly applied and significant enough to deter a repetition of the infraction.

This year, the ministry initiated a number of specific steps to enhance prosecutions and strengthen enforcement, including:

- implementing a two-year Disclosure Court pilot project, designed to streamline the criminal court process, reduce costs and inconvenience to witnesses, and decrease the number and length of preliminary inquiries and trials by requiring Crown Counsel (prosecutors for the Province) to fully disclose the details of the case to defence counsel early in the court process;

- developing standard procedures for pre-trial applications to promote the fair and timely hearing of issues and reduce inconvenience for both witnesses and jurors;
- recommending amendments to the *Criminal Code of Canada* allowing people accused of a crime to choose trial by a Provincial Court Judge following a preliminary inquiry, thereby easing the case backlog in the County and Supreme Courts;
- increasing Criminal Justice Branch budgets to hire additional full-time prosecutors and support staff, emphasizing the establishment of long-term career paths;
- purchasing computers, VCR's, televisions, texts and facsimile machines to improve access to information, enhance the Criminal Justice Branch's ability to train Crown Counsel and allow for the use of video tapes in case preparation;
- developing new criminal justice policies to:
  - govern the use of private lawyers to supplement full-time prosecutors;
  - provide guidelines for police to appeal Crown Counsel decisions on the approval of criminal charges;
  - support full disclosure of the circumstances of the case to defence counsel;
  - emphasize the seriousness of wife assault; and
  - reaffirm the use of diversion programs (alternatives to prosecution) whenever possible;
- expanding the Wife Assault Co-ordination Project and identifying an additional five community-based agencies to ensure effective coordination of justice and support services for victims of wife assault;
- expanding services for victims and witnesses to a number of new locations and beginning the development of a video, user guide and brochure to help familiarize witnesses with court procedures;

- establishing an inter-ministry Criminal Gangs Committee to coordinate government's response to the problems of youth gangs, and developing an award-winning video, depicting what can happen to a young person involved in criminal youth gang activities;
- implementing pilot projects in six court registries to test the effectiveness of using credit cards and debt collection agencies for fine enforcement;
- amending the *Municipal Act* and the *Vancouver Charter* to allow for the voluntary payment of undisputed tickets without a court appearance; and
- creating the position of "Bylaw and Traffic Adjudicator" for two pilot projects in Prince George and Kelowna, to settle municipal bylaw and traffic ticket disputes.

## Simplifying Family Law

Family Law is one of the most complex and contentious legal areas — complex because of the split in responsibility between the federal and provincial governments, resulting in overlapping jurisdictions in the Supreme and Provincial Courts, and contentious because of the subject matter. As the Justice Reform Committee points out: "Probably no other area of the law is as many-sided or as emotionally charged as the law which attempts to deal with the results of a broken marriage."

The justice system is now dealing with significant increases in the number of child custody, access, family property, child and spousal support cases. To help ensure the fair and timely resolution of family disputes, the ministry implemented a number of family law projects in 1989/90, including:

- producing the *Court Jurisdiction and Family Law* discussion paper, proposing a new court model to provide better access to court and eliminate some of the problems of overlapping court jurisdictions;
- developing the Family Court Model pilot project outlined in the *Court Jurisdiction and Family Law* discussion paper which:

- creating the position of "Family Court Advisor" to improve information services to those using the courts;
- designating some Provincial Court Registries as Supreme Court Filing Registries to improve access to the Supreme Court; and
- providing duty counsel to improve access to legal aid services by providing legal assistance or referrals to legal aid;

- amending Family Law legislation to:
  - require that investigative reports prepared for the court in child custody and access matters be served 30 days before a court hearing to give all parties time to respond;
  - provide broader authority for the courts to restrain a spouse from disposing of matrimonial property pending a court-ordered division of property;
  - ensure that a maintenance order made under the *Family Relations Act* for the support of a spouse or child will be cancelled only in extraordinary circumstances; and
  - allow separation agreements to be filed for enforcement in the Supreme Court;
- drafting Rules of Court to improve the disclosure of financial information in maintenance and matrimonial property cases, including financial disclosure by businesses in which either party has an interest;
- participating in a federal/provincial Family Law project which will study the feasibility of child support guidelines based on the actual costs of raising children in Canada; and
- initiating a review of the principles upon which matrimonial property is shared by spouses or former spouses and the appropriate division of pension benefits between spouses and former spouses on marriage breakdown.

## Helping People With Special Needs

The government's response to the *Access to Justice* report states: "The justice system must serve all British Columbians."

The ministry recognizes that cultural and language differences, physical and mental disabilities and lack of money should not be insurmountable barriers to justice.

In 1989/90, the ministry has:

- provided new handicapped access, including ramps, parking spaces, upgraded washroom facilities, widened doorways and elevators or chair lifts, to eight of 23 courthouses identified as needing more accessible facilities, and initiated planning for the remaining courthouses to be renovated over the next four years;
- established an inter-ministry Steering Committee on Native Justice Issues, comprised of senior representatives from the RCMP and the Ministries of Attorney General, Solicitor General, and Native Affairs, to facilitate changes in the administration of justice to make the system more accessible and relevant to the Native population in British Columbia;
- developed Regional Consultation Committees — with members drawn from the RCMP, Crown Counsel, Corrections and the Ministry of Social Services and Housing — to create a permanent system for local communication and consultation between Native people and justice agencies;
- initiated planning for Native victim assistance programs;
- increased the geographic radius from which jury lists are compiled to include more of the Native population in British Columbia and those who live in remote areas; and
- increased legal aid funding to provide duty counsel in all criminal courts and expand the number of community law offices around the province.

## Applying Information Technology

A major theme in the Justice Reform Committee's report was the implementation of recent technology to improve justice system access and efficiency.

To further the effective introduction of new technology, the ministry has:

- established the Executive Committee for Information Technology to develop short and long-term strategic plans for using technology to specifically improve:
  - access to the courts and their registries by both lawyers and the general public;
  - services to the public, particularly the hearing impaired;
  - management of the justice system through the development of management information systems; and
  - access to government legislation and regulations;
- formed the Justice Technology Advisory Committee, including representatives from all branches of the legal profession, to address the legal issues arising from the use of new technology;
- introduced a pilot project in the Court of Appeal to test the efficiency of facsimile filing for court documents; and
- expanded access to the Land Title database through B.C. OnLine, a government software program providing computer links to a variety of databases.

## Revising Fees and Costs/Improving Case Management

In order to ensure that all legal fees charged to British Columbians are reasonable, the *Legal Professions Act* was revised in 1989. Amendments to the Act define the role of the Court Registrar in reviewing legal bills and firmly establish the authority of the Law Society of British Columbia in setting a maximum schedule of fees which can be charged by lawyers on contingency agreements. The new Act will be proclaimed in September 1990.

Amendments to the Rules of Court were also drafted in 1989 to increase the fees recoverable by the winners of lawsuits. In September 1990, the tariff (list) of costs will

be adjusted so that a person who wins a lawsuit will be able to recover approximately 50 per cent of his or her actual and reasonable costs, including additional enforcement or collection expenses.

On June 29, 1989, a new *Structured Settlement and Periodic Payments Act* went through first reading in the Provincial Legislature. This Act gives a judge the authority to order that an award of damages be paid over a period of time rather than in one lump sum payment. The introduction of structured settlements is designed to provide better long-term security for the very young and those suffering from catastrophic injury.

The Supreme Court Rules Committee has revised the Supreme Court Rules governing court procedures, to promote earlier disclosure of information and simplified case management, by requiring new certificates of readiness and agreed case management programs for trials scheduled to last ten or more days. The Rules Committee has also clarified the Rules governing conferences and mini-trials designed to encourage early settlements. These new Rules have been circulated to the Bar for comment and will be formally published in September 1990.

The Government of B.C. made a three-year commitment to implement the recommendations of the Justice Reform Committee. A detailed report on access to justice programs will be published in 1992.

| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | [redacted] | [redacted] |
| 1989/90 | $15,483.40 | [redacted] |

The Legal Services Branch works to ensure that all government affairs are managed in accordance with the law, conducts all lawsuits for or against the government, and advises government on legislative acts and proceedings of the provincial Legislature.

The Legal Services Branch provides legal advice to all government ministries and agencies, drafts government contracts and prepares statutes, regulations and orders-in-council.

## Organization and Services

The Legal Services Branch is divided into five units under the direction of the Assistant Deputy Attorney General:

- The Barristers Division represents the government in court and before administrative tribunals for all matters relating to civil and constitutional law.
- The Solicitors Division provides legal advice to government ministries and agencies, interprets government powers under legislation, prepares all government contracts excluding routine daily contracts, prepares all property transfers and mortgages for the government, and appears on behalf of the government before boards, commissions and tribunals.
- The Legislative Counsel's Office drafts statutes, regulations and orders-in-council.
- Library Services maintains a central law and management collection for the ministry and provides a province-wide legal reference service for government.

- The Native Title Project deals specifically with civil issues involving Natives, including land claims.

In addition to 85 full-time lawyers and support staff, the branch retains 79 contract staff to provide additional legal and support services. Private lawyers across the province provide further legal services on annual or short-term contracts.

## Activities in 1989/90

The Legal Services Branch continued an exceptionally heavy legislative program resulting from the implementation of Justice Reform Committee recommendations and the sustained level of challenges to legislation based on the Charter of Rights and Freedoms.

In addition, the branch:

- developed plain language Rules for Small Claims Court;
- published a discussion paper entitled *Court Jurisdiction and Procedures in Family Law*, responding to Justice Reform Committee recommendations for new, less expensive and more effective ways to resolve family disputes such as child custody, access, support and property division;
- successfully argued before the court that the federal government has a constitutional obligation to operate the Esquimalt & Nanaimo Railway;
- provided legal advice in negotiating contracts to privatize some government operations including the B.C. Development Corporation and the B.C. Enterprise Corporation; and
- published A *Decision Maker's Guide to Judicial Review*, to help government officials fully understand the administrative laws governing the decisions they make.

# Plans for 1990/91

The Legal Services Branch will continue to respond to legal issues as they arise and will:

- help implement the proposals outlined in *Court Jurisdiction and Procedures in Family Law*;
- produce additional material to assist government officials to understand and use the basic principles of law.

# Criminal Justice Branch

| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | $22,255,957 | 185 |
| 1989/90 | $24,075,871 | 209 |

The Criminal Justice Branch is responsible for prosecuting offences under the *Criminal Code of Canada*, the *Young Offenders Act*, provincial statutes and certain municipal bylaws in the Provincial, County, Supreme and Appeal Courts of British Columbia and in the Supreme Court of Canada.

The Criminal Justice Branch provides legal advice on criminal law to government ministries and the police, and develops policies and procedures on issues relating to the prosecution of criminal cases.

## Organization and Services

The Criminal Justice Branch is divided into three units under the direction of the Assistant Deputy Attorney General, Criminal Justice:

- Crown Counsel — lawyers who represent the interests of the state in a criminal case — are located in 44 offices in five regions across the province. Crown Counsel conduct criminal prosecutions throughout the province; they must decide which charges to approve, which persons to refer to diversion programs and what information is required for presentation to the court at the time of sentencing.
- The Criminal Appeals and Special Prosecutions Office is responsible for coordinating appeals to the British Columbia Court of Appeal or the Supreme Court of Canada. Counsel in this Office may be called in by Regional Crown Counsel to prosecute special or complex cases.

- Branch Headquarters administers the Crown Counsel system, including the interprovincial transfer of criminal charges and notifications under the protection-of-privacy provisions of the *Criminal Code*; coordinates responses to enquiries from the public; and, together with Crown Counsel in the Regions, analyzes new and established legislation and participates on federal and provincial committees and task forces.

# Activities in 1989/90

The Criminal Justice Branch continued to restructure its organization, improve its service delivery to the public, create a more participative management style and ensure appropriate allocation of personnel and financial resources throughout the province.

To assist in reaching these goals, the Criminal Justice Branch:

- completed a Crown Counsel Policy Manual that provides for the consistent and effective prosecution of cases throughout the province;
- continued the aggressive prosecution of impaired driving and related offences;
- continued to refine policies relating to victims of child sexual abuse, child physical abuse and spousal assault;
- continued to respond to Native justice issues through its special Executive Crown Counsel, responsible both for exploring diversion and new prosecution options with Native communities;
- emphasized the development and priority of developing policy for prosecutions relating to environmental offences under the direction of Executive Crown Counsel;
- implemented the Disclosure Court pilot project as part of the ministry's response to the Justice Reform Committee recommendations;

- continued the Dangerous Offender Program, providing Crown Counsel with current information on the activities of dangerous offenders as defined in the *Criminal Code*;
- opened the sixth location of Crown Counsel Victim Witness Services in Surrey and completed planning for two new locations in Terrace and Kamloops;
- participated in a variety of federal/provincial/territorial intiatives relating to such issues as aboriginal justice, arson, criminal procedure, homicide, mentally ill accused, victims of crime, proceeds of crime and young offenders;
- participated in the 1989 Uniform Law Conference, where its proposals included new legislation to allow fingerprinting in a wider range of criminal offences, clarification of the laws relating to sexual exploitation, and warrants to search for information that may reveal the location of suspects; and
- continued the Bill C-15 Case Law Project, with the federal government, to develop a case law database relating to Bill C-15, an act to amend laws regarding the prosecution of child sexual abuse cases.

In addition, the branch:

- created Regional Management Committees in each of the five Regions, Branch Headquarters and the Criminal Appeals and Special Prosecutions Office;
- continued to operate five cross-regional Task Forces on organizational development and restructuring, focusing on salary levels for lawyers and support staff, human resource development and career planning, job security, the use of paralegals/legal assistants and the development of computer systems for an automated legal information system;
- began work on a mission statement to describe the branch's overall purpose, core values and beliefs;
- commenced development of a detailed Performance Appraisal Form and process for all lawyers in the branch; and

- began an internal newsletter, called *Keeping Tabs*, to report on the interests of Crown Counsel and support staff.

## Plans for 1990/91

The Criminal Justice Branch will continue to consider and, where possible, implement the recommendations of the five Task Forces on organizational development and restructuring.

The branch will also:

- evaluate the Disclosure Court pilot project:
- continue to decentralize and regionalize Crown Counsel Victim Witness Services;
- create a special committee to regularly review, update and revise the Crown Counsel Policy Manual;
- enlarge development of an automated legal information system;
- work closely with the police to address outstanding issues of mutual concern; and
- hire specially designated Crown Counsel throughout the province to prosecute environmental cases.

# Court Services Branch

| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | [redacted] | [redacted] |
| 1989/90 | $96,536,758 | 1,245 |

The Court Services Branch is accountable to the Attorney General for providing court administration, sheriff and transcript services to all courts in British Columbia. It is accountable to the Chief Justice of the Court of Appeal, the Chief Justices of the Supreme Court and the Chief Judges of the County and Provincial Courts for providing judicial administration independent of government.

## Organization and Services

Under the direction of the Assistant Deputy Minister, Court Services, the branch provides 100 Provincial, 34 Supreme and County and two Appeal Court locations with:

- Court Administration Services to receive, register, file and process documents; prepare and maintain court files; receive and administer fines, fees and trust monies; manage court facilities; label, secure, control and dispose of court exhibits; and provide general administration inside the courtroom, including court clerks to set trial dates, record pleas and dispositions.
- Judicial Administration Services to schedule trials, provide Justices of the Peace to hear bail applications and issue warrants or other matters, and supply Supreme, County and Small Claims Court registrars to carry out limited judicial functions under the direction of the court.
- Sheriff Services to serve certain documents and to execute writs (seizing and disposing of the property of a debtor under the authority of a court order); escort accused and convicted persons to and from the courts and between correctional facilities; provide prisoner and courtroom security; call citizens for jury duty and supervise jury deliberations; and assist in coroners' courts.
- Transcript Services to provide word-for-word copies of court proceedings, by either court reporters using shorthand or court recorders using audio equipment.

### Activities in 1989/90

During 1989/90, the Court Services Branch handled approximately 274,800 new civil and criminal cases.

Of the 182 recommendations made by the Justice Reform Committee, 101 affected the Court Services Branch.

Activities related to the implementation of these recommendations include:

- development of plain language forms for Small Claims procedures;

- planning the Family Court Model pilot project outlined in the *Court Jurisdiction and Procedures in Family Law* discussion paper, the Evening and Weekend Sitting pilot project to expand court and registry hours in Small Claims and Family Court, the Credit Card and Debt Collection pilot project for fine enforcement, and the pilot project introducing facsimile filing in the Court of Appeal;
- acquiring computers to begin automating court procedures and developing a database to evaluate the success of the civil Justice Reform initiatives;
- providing office facilities for Masters;
- standardizing court reporter contracts to clarify responsibilities and accountability; and
- providing handicapped access at all court locations.

In addition, the branch:

- developed a strategic direction and tactical plan to deal with four central issues: information technology, court reporting and recording, Family Court and Native justice;
- instituted new financial controls and completed a financial systems user manual, prepared a financial management checklist and a number of financial programs for branch managers and accounting personnel, and introduced automated cash registers to replace manual registers in a number of court locations;
- introduced private contractors to serve writs (court orders authorizing the seizure or sale of a debtor's property) on Vancouver Island, in the Fraser Valley and the southern Interior;
- upgraded computer systems to process 300,000 additional traffic tickets between August and March, the result of changes in traffic ticketing procedures;
- updated procedure manuals, including the criminal case Processing Manual, the Exhibit Control Manual, and the Family Courts and Small Claims Manual; and
- introduced French language criminal trials.

# Plans for 1990/91

Implementing the recommendations of the Justice Reform Committee will continue to be the primary focus of the Court Services Branch in 1990/91. Justice Reform activities planned for the next year include:

- delivering services to the newly merged Supreme Courts with changes to forms, manuals and facilities and the development of a computerized rota for all Supreme Court Justices;
- implementing new Family, Small Claims and Economical Litigation rules, brochures and forms;
- evaluating all civil initiatives, including pilot projects;
- completing a review of Supreme Court reporting to investigate the feasibility of real time reporting, video tape and electronic recording.

The Court Services Branch also plans to extend the use of private contractors to serve writs of seizure and sale to all remaining regions of the province, to expand its accounts receivable program, and to publish the updated procedures manuals developed in 1989/90. In addition, the branch will undertake a major technology planning initiative to ensure that all courts are able to take advantage of automation to improve services to both the legal community and the public.

# Management Services and Justice Support Programs Branch

| Branch Operations | | Actual Expenditures | Staff |
|---|---|---|---|
| | 1988/89 | $10,118,839 | 87 |
| | 1989/90 | $13,523,325 | 117 |

| Community Programs Division | | Actual Expenditures | Staff |
|---|---|---|---|
| | 1988/89 | $4,753,678 | 7 |
| | 1989/90 | $6,951,154 | 7 |

| Land Title Branch | | Actual Expenditures | Staff |
|---|---|---|---|
| | 1988/89 | $13,981,640 | 284 |
| | 1989/90 | $15,346,332 | 292 |

| Office of the Public Trustee | | Actual Expenditures | Staff |
|---|---|---|---|
| | 1988/89 | $5,084,208 | [redacted] |
| | 1989/90 | $6,333,582 | [redacted] |

The Management Services and Justice Support Programs Branch provides policy, financial, personnel, communications, systems and facilities services to all branches of the ministry, the Expropriation Compensation Board and the Law Reform Commission.

The branch administers the contract for the Family Maintenance Enforcement Program and a number of grants for community-based justice programs, including Victim Assistance Programs and Sexual Assault Centres. It is also responsible for the Office of the Public Trustee and the Land Title Branch.

## Organization and Services

Six divisions work under the direction of the Assistant Deputy Minister, Management Services and Justice Support Programs, to provide justice programs and internal operational support for all branches of the ministry:

- The Policy and Program Services Division manages policy and program areas that affect the ministry. It provides policy and program development advice to the Attorney General and to ministry Executive, prepares briefing material on ministry policies and programs, and coordinates the ministry's legislation program and policy advice on federal/ provincial issues. It also develops and implements community-based justice programs and the ministry's long-term strategic plan.
- The Community Programs Division manages the Maintenance Enforcement Information Search (MEIS) Unit and oversees the operations of the Family Maintenance Enforcement Program. It also administers the Legal Services Society contract for obtaining and varying Maintenance Orders, and monitors and manages community-based Victim Assistance Programs and Sexual Assault Centres, the Native Courtworker and Counselling Association, the Salvation Army Court-worker Program and the Public Legal Education Society.
- The Finance and Administration Division processes all ministry financial transactions (including payroll and revenue), prepares and assigns the ministry's annual budget, prepares financial reports and financial analyzes of ministry operations, analyzes the ministry's building needs, manages the ministry's capital project plan and construction of new facilities, and coordinates a number of administrative support areas, including vehicles, telecommunications and purchasing.
- The Personnel Services Division assists managers in both the Ministry of Attorney General and the Ministry of Solicitor General in all areas of personnel administration, including labour relations, staffing, job

classification, organizational structures, personnel training, policy development and occupational health and safety, and general human resource management.

- The Communications and Public Affairs Division manages the ministry's communications activities, including researching and analyzing the information needs of ministry programs, services and major initiatives. The division creates and executes communication plans; develops and distributes public information materials, pamphlets and brochures for both staff and the general public; and manages media relations, press releases, press conferences and special events. The division is also responsible for ministry advertising and promotions, for assessing public response to ministry programs, and monitoring and evaluating ministry communication activities.
- The Systems Services Division is responsible for acquiring, maintaining and evaluating ministry hardware and software, for providing technical advice and strategic planning, for technology standards, data administration and quality assurance, and for user helpline support.

Two additional units, also reporting to the Assistant Deputy Minister, provide public justice services:

- The Land Title Branch records and registers ownership and other interests in land, issues certificates concerning land ownership, creates titles to new land brought into the system by the crown or new land parcels created by subdivision, and provides public search facilities to land title records. The Land Title Branch uses the Torrens Title Registration System, allowing a person who has established that he or she is entitled to an estate in land to have the ownership registered and assured by the government.
- The Office of the Public Trustee protects the legal and financial interests of the mentally incapable, minors, deceased and missing persons. When there is no one else — a friend or relative — willing or able to act, the Public Trustee may serve as "Committee" (Kom/mi-tea)

to manage the financial and legal affairs of mentally incapable persons, or as "Official Guardian" to protect the assets and interests of children under the age of 19, or as "Curator" to safeguard the estates of missing persons until they are either found or declared dead. In addition, Public Trustee serves as "Official Administrator" for the province and may act on behalf of people who die without leaving a will or without appointing someone who is willing and able to act as executor. The Public Trustee also audits the accounts of Private Committees (appointed by the court to represent mentally incapable persons), investigates allegations of financial abuse of mentally incapable persons or minors, and reviews and makes recommendations to the court on all settlements of lawsuits involving minors.

# Activities in 1989/90

**Policy and Programs Division**

The Policy and Programs Division coordinated the ministry's response to the Justice Reform Committee's *Access to Justice* report, including the development of an implementation strategy and budget analysis for Cabinet and Treasury Board approval. After approval, the division embarked on a series of Justice Reform activities, including:

- establishing a Plain Language Institute of B.C., based in Vancouver;
- developing plain language booklets for Small Claims Court;
- providing, with the Court Services Branch, policy and advice in the drafting of plain language Family, Small Claims and Economical Litigation rules, brochures and forms;
- expanding, in conjunction with Court Services Branch, the Law Courts Education Society Program to Kamloops and preparing for further expansion in 1990/91;
- expanding the Wife Assault Co-ordination Project and identifying an additional five community-based agencies to deliver wife-assault support programs;

- providing policy and program support to the Steering Committee on Native Justice Issues;
- providing policy support to the Legal Services Branch on the development of the discussion paper on Court Jurisdiction and Procedures in Family Law;
- coordinated the introduction of legislation for a new *Small Claims Act*, *Justice Reform Statutes Amendment Act*, *Court Rules Act*, and *Structured Settlements and Compensation Act*;
- producing, in conjunction with the Communications & Public Affairs Division, a video and brochures designed to help familiarize witnesses with court procedures; and
- developing an evaluation framework to monitor the progress and success of individual Justice Reform initiatives and beginning the evaluation of the Disclosure Court pilot project, Weekend and Evening Court sittings and the use of credit cards and collection agencies for fine collection.

In addition, the division began transferring the responsibility for a number of community-based justice programs to the newly formed Community Programs Division. It established an inter-ministry Criminal Gangs Committee to coordinate government response to the problems of youth gangs on the Lower Mainland and developed, with the People's Law School, an award-winning video, called *Where's Winston*, graphically depicting what can happen to a young person involved in criminal youth gang activities.

## Community Programs Division

The Community Programs Division was established in March 1989. It has assumed responsibility from the Policy and Programs Division to monitor, evaluate and fund community-based Sexual Assault Centres, the Native Courtworkers and Counselling Association, the Salvation Army Courtworker Program, the Public Legal Education Society and special Victim Assistance Programs.

The division also assumed responsibility for administering a new contract with the Legal Services Society for obtaining and varying Maintenance Orders.

The Director of Community Programs is also the Director of Maintenance Enforcement, responsible for overseeing the daily operations of the Family Maintenance Enforcement Program (FMEP), which became a province-wide service in January 1989. The FMEP is managed by an independent contractor supplying 93 staff in three locations across the province to enrol, monitor and enforce Maintenance Orders and Agreements that require separated or divorced spouses to continue providing financial support for their families. FMEP activities in 1989/90 include:

- publishing, in conjunction with the Communications & Public Affairs Division, the *First Anniversary Status Report*, outlining the accomplishments of FMEP's first year and plans for the future;
- enroling 7,725 new creditors, for a total of 9,125 active cases; and
- collecting $7.87 million in maintenance arrears.

The Maintenance Enforcement Information Search (MEIS) Unit also operates under the Director of Community Programs. The MEIS Unit assists the Family Courts, the FMEP and the Ministry of Social Services and Housing's Family Maintenance Program by tracing missing parents to obtain, vary or enforce Maintenance, Custody, Access and Guardianship Orders. In 1989/90, the MEIS Unit received 4,236 tracing requests.

## Finance and Administration Division

The Finance and Administration Division transferred responsibility for the development and management of ministry information technology and data operations to the newly created Systems Services Division this year. The division also implemented a new financial administration system, revised all financial and administrative manuals and was responsible for a number of facilities projects, including:

- completing construction of additional judges' chambers for the Vancouver Law Courts at 800 Smithe and continued construction on a new courthouse in Maple Ridge;
- starting major renovations on the Nanaimo and New Westminster courthouses and construction on new courthouses in Colwood, Surrey and Creston; and
- planning for new law courts in Kelowna.

### Personnel Services Division

The Personnel Services Division worked with the Executive Committee on Information Technology to identify human resource management issues connected with the ministry's information technology initiative. The division also:

- provided continued support for the Motor Vehicle Branch to offer services throughout the province by decentralizing personnel service through five regional personnel offices;
- assisted the Criminal Justice Branch to restructure its management to provide enhanced regional administrative services and convert a number of contract Crown Counsel to full-time status;
- assisted the Ministry of Solicitor General to close two correctional facilities by developing a staff relocation plan and begin planning for the opening of three new correctional facilities — the Fraser Valley Correctional Centre, the Surrey Pre-Trial Services Centre and the B.C. Correctional Centre for Women.

### Communications and Public Affairs Division

The Communications and Public Affairs Division published the government's response to the Justice Reform Committee's recommendations and supported all ministry branches and divisions in developing communication plans and strategies for the projects included in the Justice Reform Initiative. In late 1989/90, the division received its own budget and established processes to implement ministry-wide communications policies, procedures and systems.

The division also:

- initiated the *JRC Bulletin*, a staff newsletter outlining justice reform changes and accomplishments;
- developed materials to announce a major restructuring of the Office of the Public Trustee, including the development of a new corporate identity;
- provided creative services including writing, design, production, distribution and promotion for:

- the Community Programs Division's *First Anniversary Status Report* for the Family Maintenance Enforcement Program;
- the Legal Services Division's discussion paper on *Court Jurisdiction and Procedures in Family Law* and booklet on administrative law, *A Decision Maker's Guide to Judicial Review*;
- the Steering Committee on Native Justice Issues' newsletter, *Native Justice Report*;
- a free-standing information display system for B.C.'s annual Law Day; and

• began development of a division mandate statement and internal quality-assurance standards.

**Systems Services Division**

The Systems Services Division, established in fall 1989, assisted the Executive Committee on Information Technology to develop both short- and long-term strategic plans for the implementation of new technology, and:

- developed new technology standards for the ministry;
- developed an application data project to provide a model for information sharing between the branches;
- initiated the Information Centre, a telephone hotline service providing advice and support for users of any ministry computer systems;
- developed ACTS, a new case tracking system for Court Services Branch to track basic information about criminal matters before the Provincial Court; and
- developed additional computer capacity to allow for enhanced fine collection.

## Land Title Branch

Due to the real estate boom in the Lower Mainland and Victoria, the Land Title Branch handled 17 percent more land title applications than in 1988/89. 1,220,595 applications were made in 1989/90, totalling $25,046,492 in registration fees.

As of March 1990, the branch had entered 1,351,010 titles to the ALTOS computer database, representing 96 percent of the 1.5 million titles in British Columbia. In addition, the branch:

- joined B.C. OnLine, a government program providing computer access to a variety of databases, to replace its own remote computer search services and ensure access to land title information in all provincial locations;
- created standard, one-page, plain language conveyancing forms to simplify and streamline conveyancing procedures (the passing of land from one person to another, including selling and mortgaging); and
- developed a guidebook and training courses for the new conveyancing forms through the Continuing Legal Education Society.

## Office of the Public Trustee

The Office of the Public Trustee handled 24,000 cases in 1989/90 and managed total assets valued at $320 million. In addition, the Office:

- opened a special financial account to redirect all revenue back into client services;
- reorganized and streamlined estate management reporting procedures;
- fully implemented a new, state-of-the-art computer system to answer client inquiries, distribute estates, deposit client funds, process cheques and issue payments to suppliers;
- developed a training handbook to assist newly appointed Private Committees;

- established the Public Trustee Educational Assistance Fund designed to assist young people who have been wards of the province to reach their educational and career goals — in February 1990, the Office awarded a total of $17,300 to eight students; and
- became the Official Administrator for the province, providing regional representation for those people who die without a will or without naming an executor willing or able to act on their behalf.

# Plans for 1990/91

Policy and Programs Division

In 1990/91, the Policy and Programs Division will complete the transfer of contract administration and monitoring services for all Victim Assistance Programs to the Community Programs Branch. The division will then work to develop new policies to ensure a coordinated and efficient response to the needs of victims and will:

- expand the Law Courts Education Society Program to Prince George;
- complete a review of all public legal education programs to identify any overlaps, gaps or deficiencies in service;
- initiate plain language testing of new Family, Small Claims, and Economical Litigation rules, brochures and forms;
- encourage the formation of the Conflict Resolution Council to promote the use of alternate dispute resolution techniques, methods to resolve civil disputes without a court trial;
- provide policy support to develop new procedures and legislation to protect the rights of dependent adults in British Columbia;
- begin evaluating a variety of Justice Reform initiatives, including the Masters program, the merger of the Supreme and County Courts, the Family Court Model, and the Wife Assault Co-Ordination Project;

- complete evaluation of the Disclosure Court Model, Weekend and Evening Court and the use of credit cards and collection agencies for fine collection; and
- manage the introduction of legislation to establish new ticketing procedures and new legislation to implement the proposals contained in the *Court Jurisdiction and Procedures in Family Law* discussion paper.

**Community Programs Division**

The Community Programs Division will assume responsibility for all community-based Victim Assistance Programs in 1990/91, and will review all community-based programs to ensure consistent and effective services and improve statistics reporting.

The Family Maintenance Enforcement Program will establish a Central Payment Processing Unit in Victoria and will:

- revise and refine its communications with creditors, debtors and the courts;
- develop a process to monitor and evaluate the activities, time standards and impact of the Program; and
- continue to develop and improve telecommunication, case management and statistical reporting systems.

The Maintenance Enforcement Information Search Unit plans to add on-line access to provincial databanks for quicker turnaround on search requests and to launch a pilot project comparing the effectiveness of MEIS with such publicly accessible databanks as the Credit Bureau.

**Finance and Administration Division**

In 1990/91, the Facilities section of the Finance and Administration Division will complete construction of four new courthouses in Colwood, Maple Ridge, Surrey and Creston. The division will continue to manage major renovations to the New Westminster and Nanaimo courthouses and planning for the new law courts in Kelowna, and will begin planning to:

- build new courthouses in Chilliwack, Delta, Massett, Prince George and Sechelt;
- restore the courthouse in Vernon;
- add chambers in the Vancouver Law Courts at 800 Smithe to house the new Associate Chief Justice of the Supreme Court;
- reorganize 800 Smithe to add five new courtrooms; and
- upgrade the 222 Main courthouse in Vancouver.

**Personnel Services Division**

The Personnel Services Division will continue providing human resource management advice and expertise to the Executive Committee on Information Technology, and will:

- assist the Ministry of Solicitor General to open, the Surrey Pre-Trial Services Centre and the B.C. Correctional Centre for Women;
- prepare, in conjunction with the Government Personnel Services Division, for Public Service contract negotiations;
- prepare, in conjunction with Government Personnel and Services Division and other ministries, for the implemention of the Pay Equity Program; and
- continue to support ministry Executive and line managers in all facets of employee relations, recruitment and selection, classification, health and safety and other human resource activities.

**Communications and Public Affairs Division**

In 1990/91, the Communications and Public Affairs Division will request the Ministry's Executive Committe's endorsement of a formal mandate statement to define its scope and parameters in communications activities. The division will start development on a comprehensive policy and procedures manual to govern all ministry communication activities. Priority will be given to policies in the areas of publications, and the development and distribution of public information materials for Native British Columbians and the multi-cultural community.

The division will continue to provide a full range of communications services for all Justice Reform initiatives, including the use of plain language, the production of a video for witnesses, merger of the Supreme and County Courts, introduction of Family, Small Claims and Economical Litigation rules, brochures and forms.

**Systems Services Division**

The Systems Services Division will begin integration testing in 1990/91, to ensure that new and existing technology are both compatible and productive. The division will also:

- develop strategies to contract out hardware and software support services, including the Information Centre and telephone hotline;
- hire additional staff to oversee contracted resources and ensure consistent development, support and maintenance of information technology in the branches;
- develop standards for new project management software;
- expand the ACTS case tracking system for Court Services Branch offices;
- formally hand over the responsibility for fine collection to the Ministry of Solicitor General;
- develop and implement a computerized rota/scheduling system for the Supreme Court to alleviate or avoid major trial coordination problems; and
- implement a pilot project in Victoria to link the Courts, the Judiciary, Crown Counsel, local police forces and the RCMP into an integrated system.

**Land Title Branch**

The Land Title Branch will finish entering all 1.5 million provincial land titles into the ALTOS computer database by September 1990. The division will begin a pilot project to evaluate imaging technology (the use of computers to enter, store, retrieve and reproduce legal documents and survey plans), and will amalgamate the Vancouver and New Westminster Land Title Offices into one location.

## Office of the Public Trustee

The Office of the Public Trustee will move to new premises in 1990/91 and will:

- reorganize the delivery of trust administration services to establish a new standard of service across the province;
- introduce expanded education programs and specially designed accounting procedures to assist Private Committees in their duties;
- introduce a new appeal mechanism to bring case management problems or concerns to the attention of the Public Trustee;
- produce a series of new, plain language brochures, hold a series of public information meetings across the province and provide public information at conferences to increase public awareness of and access to Public Trustee services; and
- launch a new corporate identity to visually convey the Office's mission and philosophy.

# Service Agencies

Law Reform Commission .....48
Expropriation Compensation Board .....51
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| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | [illegible] | [illegible] |
| 1989/90 | $504,483 | 3 |

The Law Reform Commission reviews the laws of British Columbia and recommends ways in which they may be improved. The Commission works to repeal unnecessary or outmoded legislation, eliminate irregularities, reduce the number of separate statutes and, in general, simplify and modernize the law.

Each year, the Commission pursues a number of projects, suggested by either the Attorney General, members of the legal profession, judges or the general public, on specific areas of law that require attention. Projects normally involve both extensive research and wide-spread consultation with interested individuals, groups and organizations, and result in a formal report to the Attorney General detailing the Commission's conclusions and recommendations.

## Activities in 1989/90

Five out of eight reports submitted by the Law Reform Commission to the Attorney General in 1989/90 dealt with Justice Reform issues:

- *Report on Property Rights on Marriage Breakdown* examines the laws governing the division of family property after a marriage has ended. It recommends changes to the *Family Relations Act* to clarify the reasons for dividing property between spouses and the status of inherited property or property acquired before marriage.
- *Minor Report on Loss Appraisal Under the Insurance Act* recommends amendments to the *Insurance Act* to expand insurance appraisal procedures to cover losses from the interruption of business.

- *Report on the Enduring Power of Attorney: Fine-Tuning the Concept* re-examines the concept of enduring power of attorney, which enables a power of attorney to remain valid even if the person issuing it becomes mentally incapable. The report recommends amendments to the *Power of Attorney Act* to permit the creation of a "springing" power of attorney, which only comes into effect after mental incapacity has occurred.
- *Report on Notice Requirements in Proceedings Against Municipal Bodies* reviews procedures for claiming damages — personal injury or loss — against a municipality. Currently, a written notice of claim is required within two months from the date the damage was suffered for the claim to be valid; the report recommends eliminating the notice requirement in certain cases and allowing greater flexibility in others.
- *Report on the Ultimate Limitation Period: Limitation Act, Section 8* assesses the current ultimate limitation periods on civil claims: six years for hospitals, medical practitioners and hospital employees and 30 years for all others. Since a long limitation period can be a great disadvantage to a defendant, and the rationale for special treatment is unclear, the report recommends that both periods be replaced with a single ultimate limitation period of ten years.

The Law Reform Commission also published three additional reports in 1989/90:

- *Report on Vicarious Liability Under the Motor Vehicle Act* recommends modifying the application of vicarious liability — where the owner of a vehicle is required to pay for loss or damages to another person, and is liable for other wrongs, even though the owner was not driving the vehicle — and clarifying the meaning of "owner" for both civil and criminal liability.
- *Report on the Commercial Tenancy Act* examines landlord and tenant laws applying to non-residential tenants and presents a draft of a new *Commercial Tenancy Act* that simplifies both concepts and language.

- *Minor Report on the Severance of Unconstitutional Enactments* suggests that the option of severing or eliminating provincial legislation that violates the Canadian Charter of Rights and Freedom should be more visible.

In addition, the Commission completed a *Study Paper on Court Jurisdiction*, examining the authority of the Supreme Court of British Columbia outside of the province, continued work on the Law Reform Database (now containing over 4,000 references to law reform activity in Canada, the Commonwealth and selected American jurisdictions), and participated in the Joint Project on Land Title Law, with the B.C. Land Title Branch and representatives from Ontario and the Western Provinces.

A working paper on the enforcement of judgements between Canadian provinces, studying new approaches for respecting court judgements handed down in other provinces, was circulated for consultation and comment, while research continued on laws concerning the division of pension rights after marriage breakdown.

# Plans for 1990/91

In 1990/91, the Law Reform Commission will begin reviewing its procedures for soliciting new topics and plans to widen the range of its consultations on law reform issues.

# Expropriation Compensation Board

| | Actual Expenditures | Staff |
|---|---|---|
| 1988/89 | [illegible] | [illegible] |
| 1989/90 | $253,130 | 3 |

The Expropriation Compensation Board determines the amount of compensation to be paid to an owner whose property is expropriated — taken away — by a public agency.

When a private landowner questions the amount offered for his or her land, the Expropriation Compensation Board will hold a public hearing to consider the market value of the land, interest, business losses, reasonable legal and appraisal costs and other expenses to the owner. After the Board arrives at an appropriate settlement, it provides the owner and the expropriating agency with a detailed written response outlining the reasons for that particular decision.

The Expropriation Compensation Board also makes decisions on interlocutory matters, issues which may arise before a compensation hearing. Interlocutory matters generally deal with questions of procedure or authority.

The Board provides detailed written responses on interlocutory matters to all interested parties, and forwards both compensation and interlocutory decisions to the Canada Law Book Company for publication in the *Land Compensation Reports*.

## Activities in 1989/90

During the 1989/90 fiscal year, the Expropriation Compensation Board received 43 applications for land compensation claims, six inquiries and one interlocutory application.

| | Provincial Grant |
|---|---|
| 1988/89 | [redacted] |
| 1989/90 | [redacted] |

The Legal Services Society provides legal aid and legal education services for British Columbia.

In 1989/90, the provincial government provided 84 percent of the Society's funds; the Law Foundation supplied an additional 9 percent. The federal government, through a cost-sharing agreement with the province, provided 50 percent of all legal aid services funding.

## Organization and Services

### Legal Aid

The Legal Services Society operates 15 branch offices and funds 11 community law offices, seven Native community law offices and paralegal staff in two Native Friendship Centres.

These offices provide legal services to people who cannot afford a lawyer. Legal services are carried out either by staff lawyers or paralegals, or by lawyers in private practice through referral. In locations not served by a Society office, private lawyers act as Area Directors to accept legal aid applications and find suitable legal counsel.

### Legal Education

The Legal Services Society provides three legal information and education programs:

- The Schools Program works with secondary school teachers and students to promote education about the law, publishes resource materials for teachers, presents workshops and publishes *Legal Perspectives*, a bi-monthly magazine for B.C. teachers.

- The Public Legal Education Program works to make legal information accessible to all British Columbians by producing plain language self-help materials, providing public advocacy training and funding for community legal education workshops.
- The Legal Resource Centre is a law library for the public and staff of all Legal Services Society offices. The Centre purchases legal materials, provides legal reference training for library staff and produces a quarterly newsletter for B.C. public libraries. It also operates the Law Line, a telephone legal information service for the general public.

## Activities in 1989/90

The Legal Services Society received 85,816 applications for legal aid in 1989/90. The Society approved approximately 60 percent of these applications: 32,255 of the cases approved involved criminal matters, 15,121 related to family law and 5,223 involved civil law.

Staff of the Legal Resource Centre responded to 13,088 inquiries. 11,821 inquiries came through the Law Line, representing an average of 10.8 calls per hour.

Additional activities for the year include:

- awarding a five percent increase, on October 1, 1989, to all lawyers providing legal aid services;
- opening two new community law offices in Cranbrook and Maple Ridge;
- beginning the expansion of duty counsel to all criminal courts (duty counsel are lawyers who examine a client's case before his or her first appearance in court and speak to the court on the client's behalf at that appearance);
- beginning an evaluation of family court duty counsel pilot projects in Prince Rupert and Surrey;

- initiating a system for a person accused of a crime and under investigation by police to phone a lawyer for summary advice, the Society to pay the lawyer's fee; and
- implementing immigration coverage for all financially eligible people facing an immigration inquiry that may lead to deportation.

## Plans for 1990/91

In 1990/91, the Legal Services Society plans to increase its legal services in civil (non-family) matters, complete its evaluation of the family court duty counsel pilot projects, and move to a flexible financial eligibility test for all cases. This new financial test will enable the Society to provide legal assistance to the working poor who, in some cases, will be asked to pay for some part of the service.

# Appendices

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Provincial Court Cases . . . . . 60
Total New Cases . . . . . 61
Total Court Hours . . . . . 62

# Annual Expenditures and Full-Time Staff

| | 1988/89 Expenditures | 1989/90 Expenditures | 1988/89 Staff | 1989/90 Staff |
|---|---|---|---|---|
| **Minister's Office** | $ 234,233 | 253,918 | 5 | 5 |
| **Ministry Operations** | | | | |
| Legal Services to Government | 14,764,036 | 15,483,408 | 94 | 85 |
| Criminal Justice | 22,255,957 | 24,075,871 | 185 | 209 |
| Court Services | 90,867,488 | 96,536,758 | 1,243 | 1,245 |
| Management Services | 10,118,829 | 13,523,352 | 87 | 117 |
| **Justice Support Programs** | | | | |
| Expropriation Compensation Board | 246,458 | 253,130 | 1 | 2 |
| Land Title Branch | 13,981,640 | 15,346,332 | 284 | 292 |
| Community Programs | 4,753,678 | 6,951,154 | 7 | 7 |
| Law Reform Commission | 464,985 | 504,483 | 3 | 3 |
| Legal Services Society | 21,107,440 | 25,594,440 | - | - |
| Office of the Public Trustee | 5,084,208 | 6,333,582 | - | - |
| Crown Proceeding Act* | 1,081,214 | 564,763 | - | - |
| **Judiciary** | | | | |
| Superior Courts | 4,549,081 | 5,387,198 | 71 | 81 |
| Provincial Courts | 15,347,546 | 15,537,874 | 29 | 29 |
| **Total** | **204,856,793** | **226,346,263** | **2,009** | **2,075** |

* Crown Proceeding Act: These are payments made as a result of cases against the Crown.

# Legislation

The following acts were administrated during the 1989/90 reporting year by the Ministry of Attorney General:

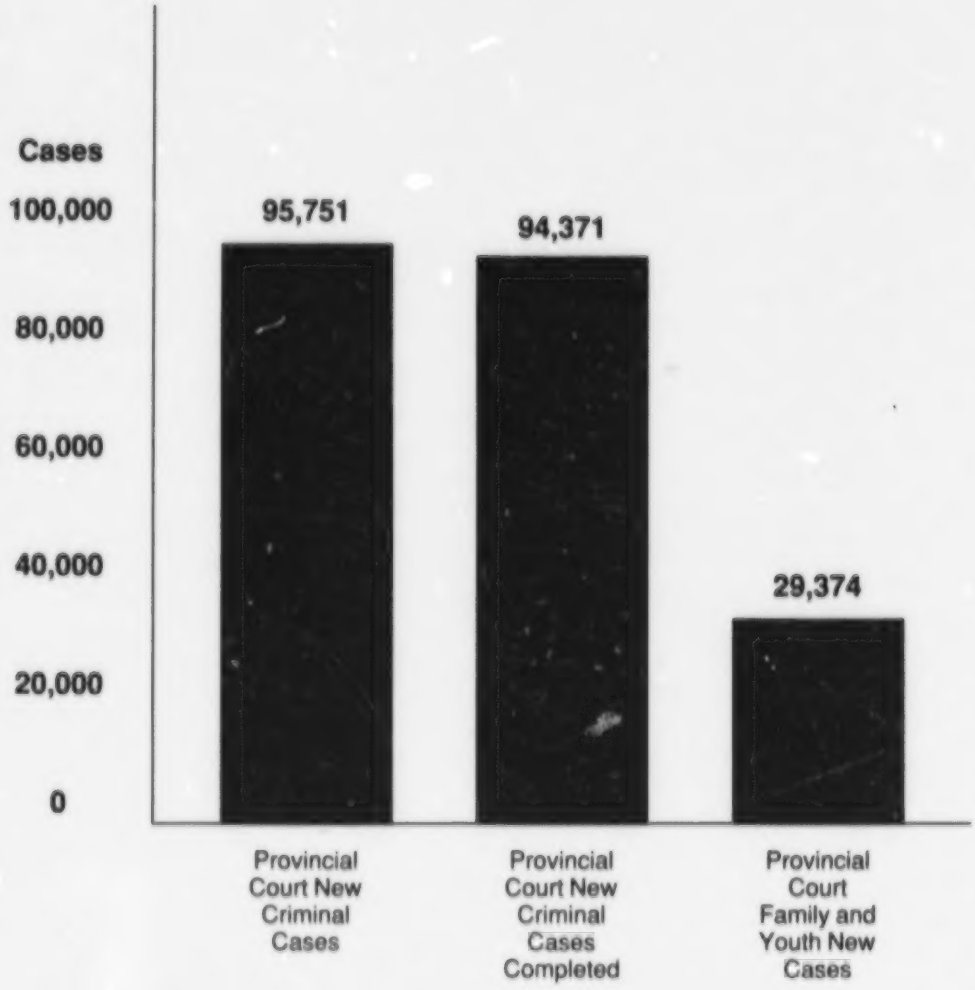
Age of Majority
Attorney General [except section 2 (e) or (h) re: Police, Coroners, Racing Commission, Film Classification, O/C Patients Review Board, Parole Board, Motion Picture Appeal Board, Public Gaming Branch, Gaming Commission]
Builders Lien
Civil Rights Protection
Commercial Arbitration
Commercial Tenancy
Company [only section 348]
Condominium [only powers and duties of Registrar of Titles]
Constitutional Question
County Boundary
County Court
Court Agent
Court of Appeal
Court Order Enforcement
Court Order Interest
Court Rules
Court Franchise
Crown Proceeding
Curfew
Disciplinary Authority Protection
Escheat
Estate Administration
Estates of Missing Persons
Evidence
Expropriation
Family Compensation
Family Maintenance Enforcement
Family Relations [except section 3]
Federal Courts Jurisdiction
Financial Disclosure
Foreign Arbitral Awards
Fraudulent Conveyance
Fraudulent Preference
Frustrated Constract

Good Samaritan
Holiday Shopping Regulation
Homestead
Infants
International Trusts
Interpretation
Judicial Review Procedure
Jury
Justice Administration
Land [Spouse Protection]
Land Title
Land Title Inquiry
Land Transfer Form
Law and Equity
Law Reform Commission
Legal Profession
Legal Services Society
Libel and Slander
Limitation
Municipal [only Part 20]
National Cablevision Limited Transfer of Jurisdiction
Negligence
Notaries
Occupiers Liability
Offence
Ombudsman
Partition of Property
Patients Property
Pawnbrokers
Perpetuity
Power of Appointment
Power of Attorney
Privacy
Probate Recognition
Property Law
Provincial Court
Public Trustee
Queen's Counsel
Regulations
Rent Distress
Sales on Consignment

Sheriff
Small Claim
Small Claims
Statute Revision
Statute Uniformity
Subpoena [Interprovincial]
Supreme Court
Survivorship and Presumption of Death
Trespass
Trust and Settlement Variation
Trustee
Trustee [Church Property]
Wills [except Part 2]
Wills Variation
Young Offenders [British Columbia]

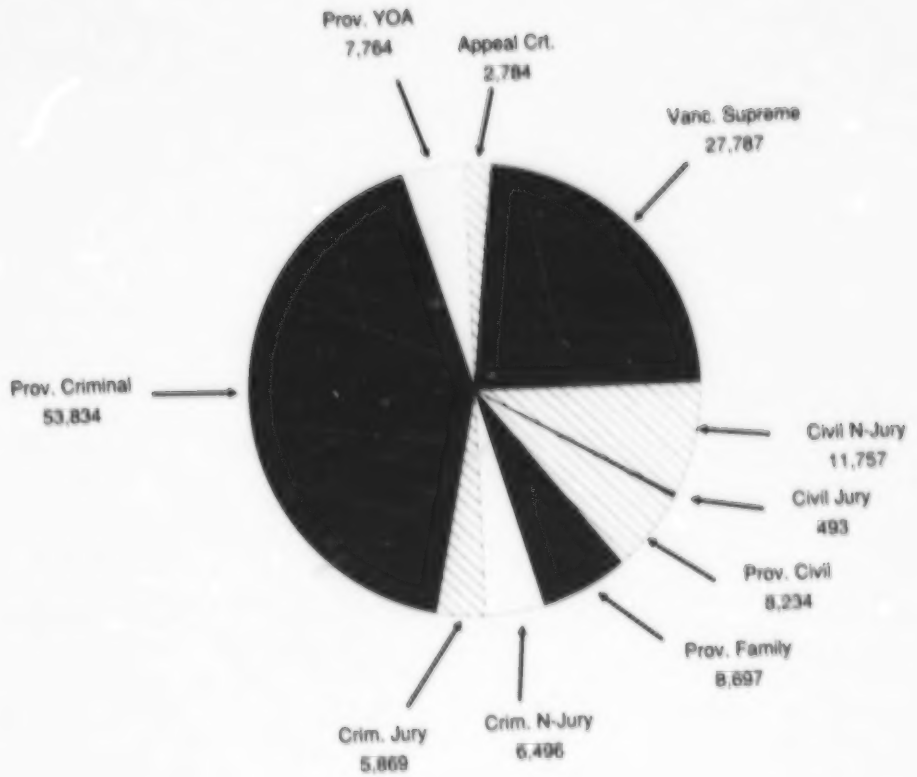
## Provincial Court Cases

1989/90



# Total Court Hours

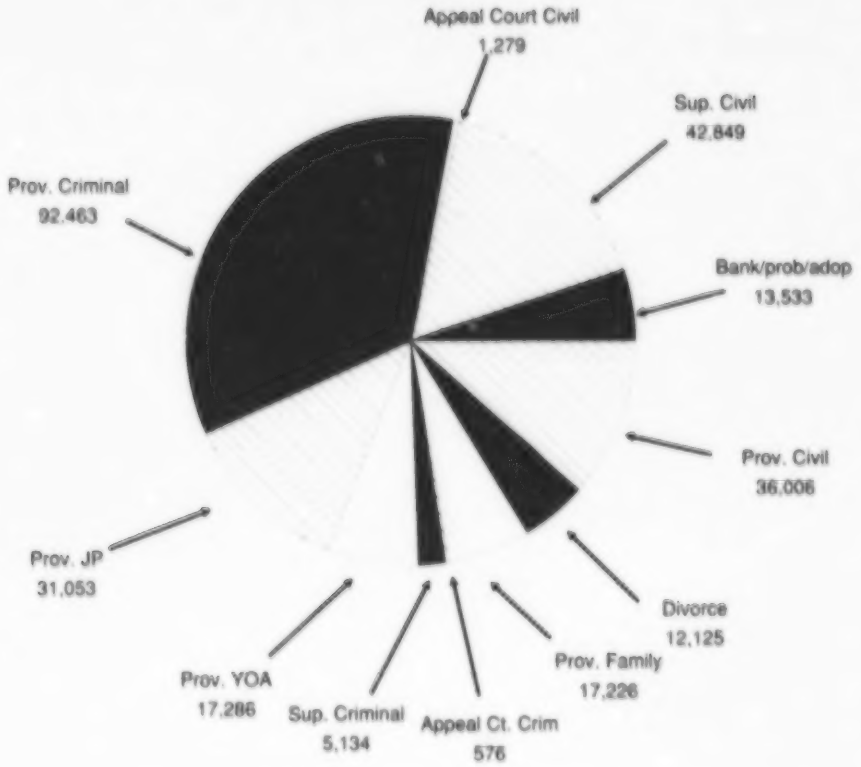
1989/90




Total Hours = 138,143

# Total New Cases

1989/90




Total New Cases = 275,680